

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JOSEPH L. CARPTENTER,)
)
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Plaintiff,)
)
v.) Civil Action No. 1:15cv0212 (JFA)
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)
MYSCHOOL.COM,)
)
Defendant.)
)

ORDER

This matter is before the court on plaintiff's motion to strike references to the UDRP in registrant's pleadings (Docket no. 12) ("motion to strike"). Upon consideration of the motion to strike, the memorandum in support (Docket no. 13), defendant's opposition (Docket no. 18), and taking note of the waiver of hearing (Docket no. 33), the court finds that the plaintiff has failed to establish that the references to the UDRP proceedings in the defendant's pleadings are redundant, immaterial, impertinent, or scandalous as required by Federal Rule of Civil Procedure 12(f). The references are clearly not redundant since they do not appear in any other pleadings filed with the court. There is nothing scandalous or derogatory about the filing of a UDRP proceeding or having an adverse decision rendered in a UDRP proceeding. Several of the references to the UDRP proceedings are made in response to allegations made by the plaintiff in the complaint and explain the reason for the denial of those allegations. The fact that decisions in UDRP proceedings are not binding on a court and are not afforded deference by a district court does not make those decisions or the proceedings immaterial or impertinent to issues that may arise in an action. This is particularly so in this case since it involves not only claims under

the Anticybersquatting Consumer Protection Act concerning allegations of bad faith by each party but also claims that plaintiff's trademark is not valid. Accordingly, it is hereby ORDERED that plaintiff's motion to strike is denied.

Entered this 16th day of April, 2015.


/s/
John F. Anderson
United States Magistrate Judge

John F. Anderson
United States Magistrate Judge

Alexandria, Virginia